

BERTIL A. GRANBERG

IBLA 70-574

Decided August 31, 1972

Appeal from decision (F 12299) by the Alaska State office, Bureau of Land Management, rejecting oil and gas lease offer.

Affirmed.

Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases:
Land Subject to

Land included within an outstanding oil and gas lease, whether the lease is void, voidable, or valid, is not available for leasing and an application filed for such land must be rejected.

Alaska: Oil and Gas Leases -- Oil and Gas Leases: Applications:
Generally -- Oil and Gas Leases: Lands Subject to

An oil and gas lease offer for a section of land in Alaska, which comprises only a portion of a "leasing block" designated for leasing pursuant to the provisions of Public Land Order 3521, is unacceptable and must be rejected.

Rules of Practice: Appeals: Hearings

A request for a hearing and motions for certain pretrial procedures will be denied where the appellant offers no reasons to warrant a hearing and the record contains the public land status information necessary for proper legal determinations.

APPEARANCES: William B. Murray, Esq., for appellant.

OPINION BY MRS. LEWIS

Bertil A. Granberg has appealed from a decision of the Alaska State office, Bureau of Land Management, dated May 14, 1970, rejecting his oil and gas lease offer filed pursuant to the Mineral Leasing

Act of 1920, as amended, 30 U.S.C. § 181 et seq. (1970), for the following described lands:

Sections 13, 36, T. 2 S., R. 1 W., U.P.M. 1/

The decision below rejected the offer because the lands were not available for leasing for the following reasons:

1. Section 36, T. 2 S., R. 1 W., is included in oil and gas lease F 021215 issued effective April 1, 1959, to Hassie Hunt Trust, and lands included in an outstanding oil and gas lease, whether the lease is void, voidable, or valid are therefore not available for leasing, citing Joyce A. Cabot et al., 63 I.D. 122 (1956); Edwin G. Gibbs et al., 67 I.D. 299 2/ (1960). This Board has held to the same effect in George E. Conley, 1 IBLA 227 (1971). Therefore the offer was correctly rejected as to such section 36.

2. The offer is unacceptable for filing as to section 13, T. 2 S., R. 1 W., because Public Land Order (PLO) 4582 of January 17, 1969, withdrew all unreserved public lands in Alaska from leasing under the Mineral Leasing Act, as amended. This holding was correct in spite of appellant's allegations on appeal that PLO 4582 did not withdraw the lands because it is invalid.

PLO 4582, as amended, is no longer a bar to the filing of lease offers since it terminated upon enactment of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688. However, the land was withdrawn at the time the offer was filed. The offer was therefore invalid, and the subsequent termination of the withdrawal could not validate it. Charles W. Trounson, 60 I.D. 182 (1948).

Furthermore, there is another reason, not mentioned in the decision below, why the offer is subject to rejection as to section 13, T. 2 S., R. 1 W. According to the official protraction diagrams in the case file, this section is embraced within PLO 3521 of January 9, 1965, 30 F.R. 271, which provides that none of

1/ The offer also included sections 28 and 33, T. 2 N., R. 3 E., U.P.M., and was also rejected as to those sections. On August 14, 1972, appellant amended his offer by deleting sections 28 and 33 from the description of the land requested. Therefore, it is unnecessary to discuss the appeal as it relates to these sections.

2/ The correct page number is 229.

the lands within the area described therein shall be subject to oil and gas leasing until certain procedures, including the preparation of approved leasing maps, have been accomplished.

Although the protraction diagram indicates that said section 13 comprises a portion of leasing block 6, which consists of sections 13, 14, 23, and 24, containing 2560 acres, an offer for a portion of a leasing block is unacceptable and must be rejected.

Appellant has filed motions with this Board for a hearing and certain pretrial procedures, but has offered no reasons to warrant a hearing. Furthermore, as the record contains the public land status information necessary for the legal determinations made herein, no useful purposes would be served by a hearing. Therefore the motions are denied. Starling Brokers et al., 6 IBLA 237 (1972); Chris Palzer et al., 6 IBLA 248 (1972).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Anne Poindexter Lewis
Member

We concur:

Douglas E. Henriques
Member

Joan B. Thompson
Member

